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10/593,826	10/27/2006	Keiichi Matsushita	0670-7086	4457
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ERIC ROBINSON			SIVJI, NIZAR N	
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21010 SOUTHBANK ST.			PAPER NUMBER	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/593,826

**Applicant(s)**

MATSUHASHI, KEIICHI

**Examiner**

NIZAR SIVJI

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8, 9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8, 9 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of the Claims***

1. Claims 8, 9 and 11 are currently pending in this application.
2. Claims 1-7 and 10 are Cancelled by Applicant

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims 8, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haumont et al. Pub. No. 2003/0027554 in view of Starling et al. Pub. No. 2006/0008066.

**Regarding Claim 8**, Haumont discloses a service class control system comprising a service class control server and a plurality of terminal devices connected to the service class control server via a wireless telephone network, the plurality of terminal devices functioning to provide services in respective predetermined ranges (Para 22, mobile

station which support packet data transmission and has a radio interface to the network for example laptop PC connected to the cellular phone capable of packet radio operation or various pagers, remote controllers, monitoring devices etc.), wherein the service class control server comprises: means for storing, for each terminal device, service class data indicative of a range of service served by the terminal device (Para 23, 27, subscriber information and service stored in the network switch); and means for retrieving, from the means for storing, a service class data associated with an identification data for identifying the terminal device, and for transmitting the retrieved service class data to the terminal device as a data indicative of a range of service which the terminal device can serve, in response to the identification data which is received from the terminal device and identifies the terminal device, when the terminal device requires a start of providing a service (para 27-28, storing subscriber information including terminal device with applicable service which terminal device can serve); and wherein the terminal device comprises: means for obtaining and storing the retrieved service class data indicative of the range of service which the terminal device itself can serve, when the terminal device receives the retrieved service class data from the service class control server, and providing services lying within the range indicated by the stored service class data (Para 22, storing device including SIM card that can hold subscriber identity, perform authentication algorithms, and stores authentication and encryption key and some subscription information that is needed in the mobile station); and means for transmitting the service class data stored in the terminal device and the identification data for identifying the terminal device to the service class control

server in response to reception of an interrogation signal via the wireless telephone network(Para 22 and 50, mobile node that has a radio interface to the network indicates that depositing service need authentication access. The mobile station sends message to the server indicating access to the subscription. The mobile station is then authenticated by means of GSM procedures using password. The user identification information can be IMSI, or the phone number of the mobile station); and wherein the service class control server further comprises: means for retrieving, from the means for storing, a service class data associated with the identification data which the terminal device has transmitted in response to reception of the interrogation signal, and verifying match among the retrieved service class data and the service class data which the terminal device has transmitted in response to reception of the interrogation signal(Para 22 and 50, mobile node that has a radio interface to the network indicates that depositing service need authentication access). Haumont teaches that SIM card is a smart card that holds the subscriber identity where it is inherit that the SIM card contains a unique serial number of the mobile user, security authentication, temporary information related to the local network, a list of service the use to access and password. Haumont differs from claimed invention in not specifically defining that whether these two pieces of service class data coincide with each other; and means for instructing to the terminal device service stop instruction data which instructs the terminal device to stop providing the service, if those two pieces of service class data do not coincide with each other. However, Starling discloses At step 202, a customer/caller who is interested in receiving the SPS services calls the SPS access number found in

the invitation. The call is routed from carrier switch 110 to service control server 112, which in turn translates the call at step 204. The translation process is described above with reference to FIG. 1. The number dialed by the customer is compared with SPS access numbers in database 114. If the results of the comparison indicate that the number dialed is not an SPS access number at step 206 (e.g., no match is found in database 114), an error message is returned to the customer at step 208 refer to as stop providing service. If the number is confirmed to be an SPS access number at step 206, the call is then routed via carrier switch 110 to resource server 116 over trunk 111 at step 210 (Para 26). Therefore, it is obvious to one having ordinary skill in the art at the time the invention was made that these two pieces of service class data coincide with each other; and means for instructing to the terminal device service stop instruction data which instructs the terminal device to stop providing the service, if those two pieces of service class data do not coincide with each other as per teaching of Starling so as to provide service only if the data coincide with each other.

**Regarding Claim 9,** Haumont discloses a service class control server for use in a service class control system comprising the service class control server and a plurality of terminal devices connected to the service class control server via a wireless telephone network, the plurality of terminal devices functioning to provide services in respective predetermined ranges (Para 22, mobile station which support packet data transmission and has a radio interface to the network for example laptop PC connected to the cellular phone capable of packet radio operation or various pagers, remote controllers, monitoring devices etc.) said service class control server comprises: means

for storing, for each terminal device, service class data indicative of a range of service served by the terminal device(Para 23, 27, subscriber information and service stored in the network switch); and means for retrieving, from the means for storing, a service class data associated with an identification data for identifying the terminal device, and for transmitting the retrieved service class data to the terminal device as a data indicative of a range of service which the terminal device can serve, in response to the identification data which is received from the terminal device and identifies the terminal device, when the terminal device requires a start of providing a service(para 27-28, storing subscriber information including terminal device with applicable service which terminal device can serve); and wherein the terminal device comprises: means for obtaining and storing the retrieved service class data indicative of the range of service which the terminal device itself can serve, when the terminal device receives the retrieved service class data from the service class control server, and providing services lying within the range indicated by the stored service class data(Para 22, storing device including SIM card that can hold subscriber identity, perform authentication algorithms, and stores authentication and encryption key and some subscription information that is needed in the mobile station); and wherein the service class control server further comprises: means for retrieving, from the means for storing, a service class data associated with the identification data which the terminal device has transmitted to the service control server in response to reception of an interrogation signal via the wireless telephone network, and verifying match among the retrieved service class data and the service class data which the terminal device has transmitted in response to reception of

the interrogation signal via the wireless telephone network (Para 22 and 50, mobile node that has a radio interface to the network indicates that depositing service need authentication access). Haumont teaches that SIM card is a smart card that holds the subscriber identity where it is inherit that the SIM card contains a unique serial number of the mobile user, security authentication, temporary information related to the local network, a list of service the use to access and password. Haumont differs from claimed invention in not specifically defining that whether these two pieces of service class data coincide with each other; and means for instructing to the terminal device service stop instruction data which instructs the terminal device to stop providing the service, if those two pieces of service class data do not coincide with each other. However, Starling discloses that At step 202, a customer/caller who is interested in receiving the SPS services calls the SPS access number found in the invitation. The call is routed from carrier switch 110 to service control server 112, which in turn translates the call at step 204. The translation process is described above with reference to FIG. 1. The number dialed by the customer is compared with SPS access numbers in database 114. If the results of the comparison indicate that the number dialed is not an SPS access number at step 206 (e.g., no match is found in database 114), an error message is returned to the customer at step 208 refer to as stop providing service. If the number is confirmed to be an SPS access number at step 206, the call is then routed via carrier switch 110 to resource server 116 over trunk 111 at step 210 (Para 26). Therefore, it is obvious to one having ordinary skill in the art at the time the invention was made that these two pieces of service class data coincide with each other; and means for



instructing to the terminal device service stop instruction data which instructs the terminal device to stop providing the service, if those two pieces of service class data do not coincide with each other as per teaching of Starling so as to provide service only if the data coincide with each other.

**Regarding Claim 11**, Haumont discloses a terminal device for use in a service class control system comprising a service class control server and a plurality of terminal devices connected to the service class control server via a wireless telephone network the plurality of terminal devices functioning to provide services in respective predetermined ranges (Para 22, mobile station which support packet data transmission and has a radio interface to the network for example laptop PC connected to the cellular phone capable of packet radio operation or various pagers, remote controllers, monitoring devices etc.), wherein said service class control server comprises: means for storing, for each terminal device, service class data indicative of a range of service served by the terminal device(Para 23, 27, subscriber information and service stored in the network switch); and means for retrieving, from the means for storing, a service class data associated with an identification data for identifying the terminal device, and for transmitting the retrieved service class data to the terminal device as a data indicative of a range of service which the terminal device can serve, in response to the identification data which is received from the terminal device and identifies the terminal device, when the terminal device requires a start of providing a service(para 27-28, storing subscriber information including terminal device with applicable service which terminal device can serve); wherein the terminal device comprises: means for obtaining

and storing the retrieved service class data indicative of the range of service which the terminal device itself can serve, when the terminal device receives the retrieved service class data from the service class control server, and providing services lying within the range indicated by the stored service class data (Para 22, storing device including SIM card that can hold subscriber identity, perform authentication algorithms, and stores authentication and encryption key and some subscription information that is needed in the mobile station); and means for transmitting the service class data stored in the terminal device and the identification data for identifying the terminal device to the service class control server in response to reception of an interrogation signal via the wireless telephone network(Para 22 and 50, mobile node that has a radio interface to the network indicates that depositing service need authentication access. The mobile station sends message to the server indicating access to the subscription. The mobile station is then authenticated by means of GSM procedures using password. The user identification information can be IMSI, or the phone number of the mobile station); and wherein the service class control server further comprises: means for retrieving, from the means for storing, a service class data associated with the identification data which the terminal device has transmitted in response to reception of the interrogation signal, and verifying match among the retrieved service class data and the service class data which the terminal device has transmitted in response to reception of the interrogation signal(Para 22 and 50, mobile node that has a radio interface to the network indicates that depositing service need authentication access). Haumont teaches that SIM card is a smart card that holds the subscriber identity where it is inherent that the SIM card

contains a unique serial number of the mobile user, security authentication, temporary information related to the local network, a list of service the use to access and password. Haumont differs from claimed invention in not specifically defining that it is decided whether these two pieces of service class data coincide with each other and means for instructing to the terminal device service stop instruction data which instructs the terminal device to stop providing the service, if those two pieces of service class data do not coincide with each other. However, Starling discloses that At step 202, a customer/caller who is interested in receiving the SPS services calls the SPS access number found in the invitation. The call is routed from carrier switch 110 to service control server 112, which in turn translates the call at step 204. The translation process is described above with reference to FIG. 1. The number dialed by the customer is compared with SPS access numbers in database 114. If the results of the comparison indicate that the number dialed is not an SPS access number at step 206 (e.g., no match is found in database 114), an error message is returned to the customer at step 208 refer to as stop providing service. If the number is confirmed to be an SPS access number at step 206, the call is then routed via carrier switch 110 to resource server 116 over trunk 111 at step 210 (Para 26). Therefore, it is obvious to one having ordinary skill in the art at the time the invention was made that it is decided whether these two pieces of service class data coincide with each other and means for instructing to the terminal device service stop instruction data which instructs the terminal device to stop providing the service, if those two pieces of service class data do not coincide with each other as

per teaching of Starling so as to provide service only if the data coincide with each other.

### ***Response to Arguments***

Applicant's arguments filed 1/14/2010 have been fully considered but they are not persuasive.

Applicant is arguing that the reference does not teach or disclose "two pieces of service class data". However, in the claim Applicant is claiming "service class data associated with an identification data for identifying the terminal device, and for transmitting the retrieved service class data to the terminal device as a data indicative of a range of service". However, Haumont discloses (Para 27-28) storing subscriber information including terminal device with applicable service refer to as two pieces of service class data which terminal device can serve. Further, Starling disclose that to provide service based on service class data and to stop providing the service if the service class data does not match (Para 26). With respect to Applicant argument, the Examiner has combined prior art element according to known method to yield predictable results. For at least the above reason, Applicant argument regarding Claim 8, 9 and 11 are non-persuasive and therefore, the rejection is maintained.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIZAR SIVJI whose telephone number is (571)270-7462. The examiner can normally be reached on 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/593,826  
Art Unit: 2617

Page 13

/George Eng/  
Supervisory Patent Examiner, Art Unit 2617

/NIZAR SIVJI/  
Examiner, Art Unit 2617